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**By ECF**

Hon. Jessica G. L. Clarke  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Cowle v. United States Dep't of Educ.*, 24 CV 8111 (JGLC)

Dear Judge Clarke:

As directed by the Court, Dkt. No. 7, the parties respectfully provide the following information in advance of the initial conference scheduled for January 14, 2025. Attached herewith is a proposed civil case plan and scheduling order for the Court's consideration.

1. The parties believe an initial pretrial conference is not necessary but are ready to participate in it.
2. Plaintiff seeks cancellation of her student loan debt and tort damages from the United States for alleged fraudulent inducement to take out her student loans. The Government denies that Plaintiff meets the requirements to have her student loans canceled and that the Government made any misrepresentations to Plaintiff concerning the loans. Also, Plaintiff has failed to exhaust her available administrative remedies before commencing this action.
3. Federal jurisdiction arises from two sources: (i) pursuant to 28 U.S.C. § 1442, the United States, federal agencies, and employees are authorized to remove an action originally brought in state court to federal court; and (ii) Plaintiff's fraudulent inducement claim is a tort under New York law and, therefore, subject to removal pursuant to the Federal Tort Claims Act's removal provision, 28 U.S.C. § 2679(d)(2).
4. There are no existing case deadlines.
5. There are no outstanding motions.
6. Plaintiff has provided an attestation identifying information concerning the suitability of her student loans for cancellation.
7. The parties have discussed the parameters of a possible settlement. The Government is conferring with agency counsel concerning Plaintiff's application to cancel her student loans.
8. There are no other issues to be raised by the parties.

Respectfully,

THE LAW OFFICE OF  
RICK S. COWLE PC

EDWARD Y. KIM  
Acting United States Attorney for the  
Southern District of New York

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